

## Article 1: Separately Regulated Use Regulations

### Division 4: Institutional Use Category--Separately Regulated Uses

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### §141.0401 Airports

Airports may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Airports are not permitted within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) The *applicant* shall submit a master *development* plan for the facility, a public facilities program, a noise impact analysis, and a noise abatement plan to the decision maker for consideration before approval of the Conditional Use Permit.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

#### §141.0402 Botanical Gardens and Arboretums

Botanical gardens and arboretums may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The design of any *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (b) *Structures* and parking areas shall be located on the site away from surrounding *development* that is smaller in scale and less intense.
- (c) Irrigation and stormwater runoff shall be managed in a manner that protects surrounding *development* from harmful pollutants, including fertilizer and insecticide.
- (d) A water reclamation plan is required before approval of the permit.
- (e) Off-street parking shall be provided in accordance with Table 142.05F.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)*

**§141.0403 Cemeteries, Mausoleums, and Crematories**

Cemeteries, mausoleums, and crematories may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Cemeteries, mausoleums, and crematories are not permitted in agricultural zones in the future urbanizing area or within floodplains located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) Crematories are permitted only within cemeteries.
- (c) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (d) *Structures* and parking areas shall be located on the site away from surrounding *development* that is smaller in scale and less intense.
- (e) Irrigation and stormwater runoff shall be managed in a manner that protects surrounding *development* from harmful pollutants, including fertilizer and insecticide.
- (f) A water reclamation plan is required before approval of the permit.
- (g) Off-street parking shall be significant to serve the facility without impacting adjacent or nearby property.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§141.0404 Churches and Places of Religious Assembly**

*Churches* and places of religious assembly are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0404(a). *Churches* and places of religious assembly that do not comply with Section 141.0404(a) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0404(b). *Churches* and places of religious assembly may also be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to Section 141.0404(b).

(a) Limited Use Regulations

- (1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in *floodplains* located in the Coastal Overlay Zone.
- (2) *Churches* and places of religious assembly are permitted as a limited use in existing buildings only.
- (3) The *gross floor area* of the *church* or place of religious assembly shall not exceed 50 percent of the maximum *gross floor area* permitted for the *premises*.
- (4) The *church* or place of religious assembly shall not be the only use on the *premises*.

(b) Conditional Use Permit Regulations

- (1) *Churches* and places of religious assembly are not permitted within the *MHPA* or in *floodplains* located the Coastal Overlay Zone.
- (2) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (3) *Structures* shall be placed on the site so that larger or high-activity buildings are placed away from adjacent property with smaller *structures* and lower levels of activity.
- (4) Off-street parking shall be located away from adjacent residential property.
- (5) Conditions addressing the following issues may be imposed by the decision maker:
  - (A) Limitations on the intensity of additional uses, such as *schools* and *child care facilities*, as well as the facilities housing these activities, to a level that is commensurate with the size of the site, the levels of intensity of surrounding *development*, and the capacity of *streets* serving the facility; and

- (B) Limitations on the number of on-premises fund-raising or social activities to a specific number of occurrences each year.  
*(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)*

**§141.0405 Communication Antennas**

- (a) Section 141.0405 regulates the following communication antennas. Amateur (HAM) radio facilities or temporary telecommunication facilities necessitated by natural or man-made disasters are not regulated as communication antennas. Section 141.0405 does not apply to single dish antennas smaller than 24 inches in diameter or to remote panel antennas less than 24 inches in length and in width, except when associated with another telecommunication facility.
- (1) Minor telecommunication facilities: Antenna facilities used in wireless telephone services, paging systems, or similar services that comply with all development regulations of the underlying zone and overlay(s) and that meet the criteria in Section 141.0405(e)(1) or (2).
  - (2) Major telecommunication facilities: Antenna facilities that do not meet the criteria for minor telecommunication facilities in Section 141.0405(e)(1) or (2).
  - (3) Satellite antennas: Antennas capable of transmitting or receiving signals to or from a transmitter or a transmitter relay located in a planetary orbit. Satellite antennas include satellite earth stations, television-reception-only satellite antennas , and satellite microwave antennas.
- (b) General Rules for Telecommunication Facilities  
All telecommunication facilities must comply with the following requirements:
- (1) All approved telecommunication facilities must comply with the Federal standards for RF radiation in accordance with the Telecommunication Act of 1996 or any subsequent amendment to the Act pertaining to RF radiation. Documentation shall be submitted to the City providing evidence that the cumulative field measurements of radiofrequency power densities for all antennas installed on the *premises* are below the Federal standards.

- (2) Except in the event of an emergency, routine maintenance and inspection of telecommunication facilities located on residentially zoned *premises*, including all of the system components, shall occur during normal business hours between 8:00 a.m. and 5:00 p.m. Monday through Friday.
- (3) Antenna facilities or associated equipment proposed for installation in the *public right-of-way* are subject to the following regulations:
  - (A) Antennas or associated equipment located in *public right-of-way* which is adjacent to a residentially zoned *premises* may be permitted with a Neighborhood Use Permit.
  - (B) Antennas and associated equipment located in the *public right-of-way* adjacent to non-residentially zoned *premises* are subject to review and approval by the City Manager.
  - (C) All equipment associated with antenna facilities shall be undergrounded, except for small services connection boxes or as permitted in Section 141.0405(b)(4).
  - (D) A construction plan must be submitted to and is subject to review and approval by the City Engineer in accordance with Chapter 6, Article 2.
- (4) Antennas and associated equipment located in the *public right-of-way* may be placed above ground only if the equipment is integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, enhanced landscape architecture, or complementary siting solutions to minimize visual or pedestrian impacts. These facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three.
- (c) Temporary facilities that provide services to public events and are limited to a one-time maximum duration of 90 calendar days are subject to the temporary use permit procedures in Chapter 12, Article 3, Division 4.
- (d) All telecommunication facilities that are required to obtain encroachment authorization to locate on city-owned dedicated or designated parkland or open space areas shall comply with the following:

- (1) The City Manager shall determine that the proposed facility would not be detrimental to the City's property interest; would not preclude other appropriate uses; would not change or interfere with the use or purpose of the parkland or open space; and would not violate any deed restrictions related to City property, map requirements or other land use regulations.
- (2) The proposed facility shall be integrated with existing park facilities or open space; shall not disturb the environmental integrity of the parkland or open space; and shall be disguised such that it does not detract from the recreational or natural character of the parkland or open space.
- (3) The proposed facility shall be consistent with The City of San Diego Progress Guide and General Plan.

(e) Minor Telecommunication Facilities

Minor telecommunication facilities are permitted as a limited use or may be permitted with a Neighborhood Use Permit in the zones indicated with an "L" or an "N", respectively, in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) An antenna facility will be considered a minor telecommunication facility if the facility, including equipment and *structures*, is concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, or *accessory use structures*.
- (2) In an effort to encourage collocation and to recognize that some telecommunication facilities are minimally visible, the following shall be considered minor telecommunication facilities:
  - (A) Additions or modifications to telecommunication facilities that do not increase the area occupied by the antennas or the existing antenna enclosure by more than 100 percent of the originally approved facility and do not increase the area occupied by an outdoor equipment unit more than 150 feet beyond the originally approved facility, if the additions and modifications are designed to minimize visibility.

- (B) Panel-shaped antennas that are flush-mounted to an existing *building facade* on at least one edge, extend a maximum of 18 inches from the *building facade* at any edge, do not exceed the height of the building, and are designed to blend with the color and texture of the existing building.
  - (C) Whip antennas if the number of antennas that are visible from the *public right-of-way* does not exceed six, if the antennas measure 4 inches or less in diameter, and if they have a mounting apparatus that is concealed from public view.
- (3) Minor telecommunication facilities are not permitted in the following locations:
  - (A) On *premises* that are developed with residential uses in residential zones;
  - (B) On vacant *premises* zoned for residential development;
  - (C) On *premises* that have been designated as *historical resources*;
  - (D) On *premises* that have been designated or mapped as containing sensitive resources;
  - (E) On *premises* within the *MHPA*; or
  - (F) On *premises* that are leased for billboard use.
- (4) The installation of a minor telecommunication facility shall not result in the elimination of required parking spaces.
- (5) Minor telecommunication facilities that terminate operation shall be removed by the operator within 90 calendar days of termination.
- (f) Major Telecommunication Facilities

Major telecommunication facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three, except that major telecommunication facilities on dedicated or designated parkland and open space may be permitted with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a “C” in the Use Regulations

Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Major telecommunication facilities are not permitted in the following locations:
  - (A) On *premises* containing designated *historical resources*;
  - (B) Within viewsheds of designated and recommended State Scenic Highways and City Scenic Routes; or
  - (C) Within ½ mile of another major telecommunication facility, unless the proposed facility will be concealed from public view or integrated into the architecture or surrounding environment through architectural enhancement (enhancements that complement the scale, texture, color, and style), unique design solutions, and *accessory use structures*.
  - (D) Within the Coastal Overlay Zone, on *premises* within the MHPA and/or containing *steep hillsides* with *sensitive biological resources*, or within public view corridors or view sheds identified in applicable *land use plans*.
- (2) Major telecommunication facilities shall be designed to be minimally visible through the use of architecture, landscape architecture, and siting solutions.
- (3) Major telecommunication facilities shall use the smallest and least visually intrusive antennas and components that meet the requirements of the facility.

(g) Satellite Antennas

Satellite antennas are permitted as a limited use subject to Section 141.0405(g)(2), and may be permitted with a Neighborhood Use Permit subject to Section 141.0405(g)(3), or with a Conditional Use Permit decided in accordance with Process Three subject to Section 141.0405(g)(4).

- (1) Exemption. Satellite antennas that are 5 feet in diameter or smaller are permitted in all zones and are exempt from this section.



- (2) Limited Use Regulations. Satellite antennas that exceed 5 feet in diameter are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.
- (A) Satellite antennas are not permitted within the *MHPA*.
  - (B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.
  - (C) Satellite antennas shall not exceed 10 feet in diameter.
  - (D) Ground-mounted satellite antennas shall not exceed 15 feet in *structure height*.
  - (E) Ground-mounted satellite antennas shall not be located in the *street yard*, *front yard*, or *street side yard* of a *premises*.
  - (F) Satellite antennas shall not be light-reflective.
  - (G) Satellite antennas shall not have any *sign copy* on them nor shall they be illuminated.
  - (H) Ground-, roof-, and pole-mounted satellite antennas shall be *screened* by fencing, buildings, or parapets that appear to be an integral part of the building, or by landscaping so that not more than 25 percent of the antenna height is visible from the *grade* level of adjacent *premises* and adjacent *public rights-of-way*.
- (3) Neighborhood Use Permit Regulations. Proposed satellite antennas that do not comply with Section 141.0405(b)(2) may be permitted with a Neighborhood Use Permit subject to the following regulations.
- (A) Satellite antennas are not permitted within the *MHPA*.
  - (B) Satellite antennas are not permitted on *premises* that have been designated as *historical resources*.
  - (C) Satellite antennas shall not exceed 10 feet in diameter.
  - (D) Satellite antennas shall not be light-reflective.

- (E) Satellite antennas shall not have any *sign copy* on them nor shall they be illuminated.
- (F) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscape or other *screening*.
- (4) Conditional Use Permit Regulations. Except for proposed satellite antennas which are *accessory uses* in industrial zones, proposed satellite antennas that exceed 10 feet in diameter may be permitted only with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations.
  - (A) Satellite antennas are not permitted within the *MHPA*.
  - (B) Satellite antennas are not permitted on *premises* or its appurtenances that have been designated as *historical resources*.
  - (C) The visual impacts of the antenna to adjacent *premises* and adjacent *public rights-of-way* shall be minimized by the positioning of the antenna on the site and the use of landscaping or other *screening*.

(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

#### **§141.0406 Correctional Placement Centers**

Correctional placement centers may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Correctional placement centers are not permitted in any of the following locations:
  - (1) Within the beach impact area of the Parking Impact Overlay Zone;
  - (2) Within 1/4 mile of any type of residential care facility, *social service institution*, welfare institution, or similar type of facility, measured from *property line* to *property line* in accordance with Section 113.0225;

- (3) Within 1 mile of another correctional placement center, measured from *property line* to *property line* in accordance with Section 113.0225;
  - (4) Within 1,000 feet of a *school*, library, *public park*, or recreation area, measured from *property line* to *property line* in accordance with Section 113.0225; or
  - (5) Within 600 feet of a property zoned for residential *development*, measured from *property line* to *property line* in accordance with Section 113.0225.
- (b) The center shall provide a minimum of 60 square feet of sleeping space per bed, not including closet space, storage space, multipurpose rooms, bathrooms, dining rooms, and halls. There shall be no more than 64 beds per sleeping space.
  - (c) The center shall provide a minimum of 10 square feet of multi-purpose space per bed, not including sleeping space and *kitchen* areas, for games and activities, dining, visiting, television lounge, meetings, and quiet space for study, counseling and reading. This space shall be designed so that several activities can occur simultaneously without conflict.
  - (d) The center shall provide a minimum of 8 cubic feet of closet and drawer space for clothing and personal belongings per bed. The required closet and drawer space may consist of portable or permanent fixtures and shall be located in the sleeping space.
  - (e) The center shall provide a minimum of 15 square feet of dining area for each resident, not including *kitchen* areas and sleeping space. Centers may have food prepared off the *premises* if the preparation source meets all applicable requirements for commercial food service. The center shall provide adequate equipment and staff to receive and serve the food and clean up. The center shall provide and maintain adequate equipment for in-house preparation, storage, and service of food in case the residents elect to do so. For centers that have food prepared on the *premises*, the preparation source shall meet all applicable requirements for commercial food services and shall have equipment and staff necessary to receive, store, serve, and prepare meals and to clean up.
  - (f) The center shall provide at least one toilet and wash basin for every eight beds. At least one shower or bathtub shall be provided for every 12

beds. The center shall provide for individual privacy in all toilet, shower, and bath areas.

- (g) The center shall make laundry facilities available to all residents. The center shall provide at least one operable washer and dryer for every 16 beds, or the center may be serviced by a commercial laundry. The space used for laundry purposes shall not be part of an area used for storage of anything other than clean linens and other supplies normally associated with laundry activities.
- (h) Centers that have 99 or fewer residents shall provide an exercise area of at least 900 square feet, not including required *yards* and required landscape areas. Centers that have 100 or more residents shall have an exercise area of at least 2,400 square feet, not including required *yards* and required landscape areas. If an outdoor exercise area is provided, it shall be easily accessible to residents, protected from traffic, and *screened* by solid fencing from the *public right-of-way*.
- (i) The center shall provide the following number of *off-street parking spaces*:
  - (1) At least one parking space per staff person assigned to the shift that has the greatest number of staff persons; and
  - (2) For centers confining up to 24 persons, at least one parking space for every four beds or for centers confining 25 or more persons, at least one parking space for every seven beds.
- (j) At least two uniformed custodial guards or monitors who are CPR-qualified shall be on duty at the center at all times.
- (k) Centers confining 25 or more persons shall provide at least one additional uniformed custodial guard or monitor for each 64 beds, or portion thereof, to be on duty between the hours of 4:00 p.m. and 8:00 a.m. during the week and during all hours on the weekend.
- (l) The center shall maintain a list of all residents accommodated during the past 6 months and shall provide their sentence/offense analysis available upon request.
- (m) The center shall maintain records of all vehicles being driven by residents of the facility and shall provide the records upon request.

- (n) All personnel shall be trained in accordance with selection and training requirements adopted by the Board of Corrections as set forth in the California Code of Regulations, Subchapter 1 (commencing with Section 100) of Chapter 1 of Division 1 of Title 15 and all other requirements outlined in Title 15. A Certificate of Compliance issued by an institute accredited by the State Board of Corrections shall be submitted to the City Manager.
- (o) Adult offenders housed in correctional placement centers shall be regularly employed, regularly attending job training, or regularly attending a learning institution. The sentencing judge may determine that other similar circumstances qualify an offender for housing in a correctional placement center.
- (p) No person convicted of any of the offenses listed in Table 141-04A, which are defined in the California Penal Code, may be ordered by any court into a City of San Diego Correctional Placement Center. This prohibition shall apply if the court order is a direct sentence or the placement is a condition of probation, regardless of whether the offense is a felony or misdemeanor. The Correctional Placement Center shall not accept or lodge any such person improperly placed by a court.

**Table 141-04A**  
**Excludable Offenses**

No.	Offenses
1.	Murder
2.	Vehicular manslaughter
3.	Voluntary manslaughter
4.	Mayhem
5.	Kidnaping
6.	Robbery (including bank robbery)
7.	Assault with intent to rape or rob
8.	Assault with a deadly weapon on a peace officer
9.	Rape
10.	Forcible sodomy
11.	Lewd act on a child
12.	Forcible oral copulation
13.	Forcible penetration by foreign object

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No.	Offenses
14.	Arson
15.	Grand theft using a firearm
16.	Assault by a life prisoner on a non-inmate
17.	Assault with a deadly weapon by an inmate
18.	Holding of a hostage by a prisoner
19.	Personal use of a deadly weapon
20.	Personal use of a firearm
21.	Personal infliction of great bodily injury
22.	Exploding a destructive device with intent to injure
23.	Exploding a destructive device with intent to murder
24.	Exploding a destructive device with intent to cause mayhem or great bodily injury
25.	Selling and/or furnishing drugs to a minor
26.	Sale or possession for sale of a controlled substance
27.	Any felony punishable by death or life imprisonment
28.	An attempt to commit any of the crimes listed, except assaults
29.	Any sex offense, either a misdemeanor or a felony, wherein the victim is a child under the age of 18, including all offenses registerable as sex offenses under California Penal Code section 290, and also offenses involving child pornography as described in California Penal Code sections 311 through 312.3
30.	Any person convicted of a crime whom the sentencing judge deems unacceptable for community access
31.	Any person sentenced for a federal crime that is similar in nature or type, to any of the crimes listed.

(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)

#### §141.0407 Educational Facilities--Schools for Kindergarten to Grade 12 and Colleges/Universities

Educational facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Permanent *development* associated with educational facilities is not permitted in agricultural zones in the future urbanizing area or within *floodplains* located in the Coastal Overlay Zone.
- (b) The *applicant* shall provide a master development plan that includes the following;
  - (1) The student capacity of the campus;

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- (2) The size, number, and location of all proposed facilities;
  - (3) The pedestrian and traffic circulation systems proposed for the site;
  - (4) A transportation and parking development program; and
  - (5) A *development* phasing schedule.
- (c) The design of the *structures* shall incorporate architectural elements that help to diminish building bulk.
  - (d) Larger *structures*, areas with high levels of activity, and parking areas shall be located on the site away from surrounding *development* that is smaller in scale or less intense.
  - (e) Access to colleges and universities shall be as direct as possible from *freeways* and primary arterials and shall avoid residential *streets*.
  - (f) Off-street parking requirements for kindergarten through grade 12 are provided in Table 142-05F. Off-street parking for colleges and universities shall be provided to adequately serve the facility without causing parking impacts on surrounding property.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

#### **§141.0408 Energy Generation and Distribution Stations**

Energy generation and distribution stations may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Activities involving aerial transmissions are not permitted.
- (b) All mechanical equipment and all storage areas shall be located within an enclosed building.
- (c) The design of the *structures* shall incorporate architectural elements that help to minimize conflicts in scale with surrounding *development*.
- (d) Service areas and parking areas shall be buffered from adjacent *development* that is not of a similar nature.

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- (e) *Fences*, walls, trees and other forms of landscaping shall be used to minimize visibility of *structures* from adjacent *public rights-of-way* or adjacent residential *development*.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### **§141.0409 Exhibit Halls and Convention Facilities**

Exhibit halls and convention facilities may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Exhibit halls and convention facilities are not permitted within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
- (b) The proximity and capacity of *freeways*, primary arterials, and major *streets* will be used to determine the appropriate size and intensity of the proposed facility.
- (c) Off-street parking shall be provided in accordance with Table 142-05F.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

#### **§141.0410 Flood Control Facilities**

*Flood* control facilities are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) *Flood* control facilities are permitted only for essential public projects where it has been determined that there is no feasible, less environmentally damaging location or alternative.
- (b) *Flood* control facilities are permitted only when mitigation measures have been provided to minimize adverse environmental effects.
- (c) Any *encroachment* or disturbance to *environmentally sensitive lands* is subject to Chapter 14, Article 3, Division 1 (*Environmentally Sensitive Lands*).  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)



**§141.0411 Historical Buildings Occupied by Uses Not Otherwise Allowed**

*Historical buildings* occupied by uses not otherwise allowed may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) In the future urbanizing area, a Conditional Use Permit shall not be approved for *historical buildings* occupied by uses not otherwise allowed.
- (b) The building must be designated as a *historical resource* by the City of San Diego Historical Resources Board before approval of the Conditional Use Permit.
- (c) The use of the building shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed.
- (d) The site shall be maintained in, or restored to, its original or historical appearance, in accordance with Chapter 14, Article 3, Division 2 (Historical Resources Regulations).
- (e) Any facilities that are constructed as part of the new use shall be designed to be similar in scale and style with the historical use, in accordance with Chapter 14, Article 3, Division 2 (Historical Resources Regulations).
- (f) Hours of operation shall be limited to conform to hours of normal activity in the neighborhood.
- (g) The decision maker may waive or modify the base zone regulations for maximum *floor area ratio*.
- (h) The decision maker may waive or modify the requirements for off-street parking and landscaping. The *applicant* may be required to preserve existing mature landscaping.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§141.0412 Homeless Facilities**

- (a) This section regulates the following homeless facilities.

- (1) Congregate meal facilities: Any facility that provides scheduled meals on a daily basis for individuals or *families* who are homeless or *low income* or *very low income*, as defined in Section 113.0103.
  - (2) Emergency shelters: Any facility that provides sleeping accommodations and restroom facilities to homeless persons on a day-to-day basis, for periods of thirty days or less.
    - (A) Emergency shelters which are accessory uses to religious institutions or religious organizations operating for 30 days or less in any 365-day period are exempt from this section.
  - (3) Homeless day centers: Any facility that provides basic services, including personal hygiene, information and referral, employment, mail, and telephone services, during daylight hours to homeless persons.
- (b) Congregate Meal Facilities

Congregate meal facilities may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) No more than one congregate meal facility may be permitted within 1/4 mile of an emergency shelter, a homeless day center, or another congregate meal facility, measured from *property line* to *property line* in accordance with Section 113.0225.
- (2) Overnight accommodations are not permitted.
- (3) Drive-up or drive-through service is not permitted.
- (4) Live entertainment is not permitted.
- (5) Distribution or consumption of alcoholic beverages on the *premises* is not permitted.
- (6) The facility shall provide a waiting area for clients to prevent queuing into the *public right-of-way*. The size of the waiting area shall be at least 5 square feet per client, based on the maximum number of clients the facility can accommodate according to Fire Department standards.

Any outdoor waiting area shall be physically separated from the *public right-of-way*.

- (7) The facility shall provide off-street parking at a rate of 1 space per full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.
- (8) Hours of operation shall be limited to the hours between 6:00 a.m. and 10:00 p.m.
- (9) All activities associated with the facility, including the serving of food and beverages, shall occur within an enclosed building.
- (10) The *applicant* shall submit the following materials to the decision maker for consideration:
  - (A) A communications plan that describes how the provider will communicate with local community, neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how community issues or concerns will be addressed;
  - (B) A plan to minimize loitering in the vicinity of the facility; and
  - (C) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

(c) Emergency Shelters

Emergency shelters may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to emergency shelters.

- (1) Emergency shelters are not permitted in the future urbanizing area.
- (2) Emergency shelters shall provide at least 35 square feet of sleeping area per bed.
- (3) Emergency shelters shall provide a waiting area of at least 10 square feet per bed to accommodate clients and to prevent queuing into the

*public right-of-way*. Any outdoor waiting area shall be physically separated from the *public right-of-way*.

- (4) Emergency shelters shall provide at least 1 toilet for every 15 beds.
- (5) Emergency shelters shall provide off-street parking at a rate of at least 1 space for each full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.
- (6) Hours of operation shall be limited to the hours between 6:00 p.m. and 8:00 a.m.
- (7) Emergency shelters shall provide on-site supervision at all times. At least one full-time- equivalent employee shall be provided for every 20 beds.
- (8) Living, dining, and *kitchen* areas shall be physically separated from sleeping areas. The shelter shall provide telephone services separate from the office phone in order to provide privacy.
- (9) The *applicant* shall submit the following materials to the decision maker for consideration:
  - (A) A communications plan that describes how the provider will communicate with local community, neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how community issues or concerns will be addressed;
  - (B) A loitering control plan to minimize the congregation of overnight residents during daylight hours in the vicinity of the shelter; and
  - (C) A litter control plan to provide for the removal of litter in the vicinity of the shelter on a regular basis.

(d) Homeless Day Centers

Homeless day centers may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) No more than one homeless day center may be permitted within 1/4 mile of an emergency shelter, a congregate meal facility, or another homeless day center, measured from *property line* to *property line* in accordance with Section 113.0225.
- (2) Overnight accommodations and meals for transients are not permitted.
- (3) The center shall provide off-street parking at a rate of at least 1 space per full-time-equivalent employee, calculated at 8 hours of working time per employee per 24-hour period.
- (4) Hours of operation shall be limited to 6:00 a.m. to 6:00 p.m.
- (5) The center shall provide on-site supervision at all times. At least one staff member shall be located on the *premises* 24 hours per day.
- (6) The *applicant* shall submit the following materials to the decision maker for consideration:
  - (A) A communications plan that describes how the provider will communicate with local community, neighborhood, and business organizations, and with adjacent neighbors on a regular basis, and how community issues or concerns will be addressed;
  - (B) A plan to minimize loitering in the vicinity of the facility; and
  - (C) A litter control plan to provide for the removal of litter in the vicinity of the facility on a regular basis.

*(Amended 7-31-2001 by O-18965 N.S.; effective outside the Coastal Overlay Zone on 8-30-2001; effective within the Coastal Overlay Zone on 12-12-2001.)*

#### **§141.0413 Hospitals, Intermediate Care Facilities, and Nursing Facilities**

Hospitals, intermediate care facilities, and nursing facilities may be permitted with a Process Four Conditional Use Permit in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) These facilities are not permitted in agricultural zones in the future urbanizing area or within *floodplains* located in the Coastal Overlay Zone.

(12-2001)

- (b) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (c) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller in scale and less intense.
- (d) Access to the site shall be as direct as possible from *freeways*, primary arterials, and major *streets* and shall avoid residential *streets*.
- (e) Off-street parking shall be provided in accordance with Table 142-05F.
- (f) All storage, service, and repair areas shall be located on the *premises* or *screened* so that they are not visible from adjacent *development* and *public rights-of-way*.

(Added 12-9-1997 by O-18451 N.S.; amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)

#### §141.0414 Interpretive Centers

Interpretive centers are *structures* or facilities designed to inform and educate the public about the surrounding environment.

Interpretive centers may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Interpretive centers are not permitted in agricultural zones in the future urbanizing area or within *floodplains* located in agriculturally zoned areas of the Coastal Overlay Zone.
  - (b) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
  - (c) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller in scale and less intense.
  - (d) Off-street parking shall be provided in accordance with Table 142-05F.
- (Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§141.0415 Museums**

Museums may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.
- (b) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller in scale and less intense.
- (c) Off-street parking shall be provided in accordance with Table 142-05F.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§141.0416 Major Transmission, Relay, or Communication Switching Systems**

These facilities may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The *structures* shall be located on the site so that visibility from adjacent *public rights-of-way* or adjacent residential *development* is minimized.
- (b) *Fences*, walls, trees and other forms of landscaping shall be used to *screen structures* from adjacent *public rights-of-way* or adjacent residential *development*.  
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

**§141.0417 Social Service Institutions**

*Social Service Institutions* may be permitted with a Conditional Use Permit decided in accordance with Process Four in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) The design of the *structures* shall incorporate a variety of architectural elements that help to diminish building bulk.

(12-2001)

- (b) The location of larger *structures*, areas of high activity, and parking areas shall be planned to minimize impacts to surrounding *development* that is smaller in scale and less intense.
- (c) Off-street parking shall be sufficient to serve the facility without impacting adjacent or nearby property.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)